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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,217	12/15/2003	Carl Young	G08.150/U	7693
28962	7590	01/25/2008		
BUCKLEY, MASCHOFF & TALWALKAR LLC			EXAMINER	
50 LOCUST AVENUE			PLUCINSKI, JAMESUE A	
NEW CANAAN, CT 06840				
		ART UNIT	PAPER NUMBER	
		3629		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/737,217

Applicant(s)

YOUNG ET AL.

Examiner

JAMISUE A. PLUCINSKI

Art Unit

3629

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4, 5, 8-10, 15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5, 8-10, 15 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, 2, 4, 5, 8-10, 15 and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The applicant has amended the independent claims to recite “wherein the security risk associated with the one or more of the first or second elements is also specifically associated with the corresponding hierarchical level of the one or more of the first or second elements”. This security risk that is associated with the elements are received into the computer storage on a real time basis from a government agency or a news feed. In the specification, Page 6, the applicant recites “Generalized security risk data can be received from a security risk data source, which can include, for example, a government agency, a private investigation firm, public news, newsfeeds, internal security efforts, law enforcement agency or other source”. The specification states that information from these feeds are generalized information, therefore not lending support to the amended claim of the information received being specific information about a hierarchical level.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4, 5, 8-10, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beverina et al. (US 2001/0027388) in view of Zimmers et al. (US 2005/0013417).
5. With respect to Claims 1, 15, 16: Beverina discloses the use of a computer system with a computer implemented method for managing security risks (see abstract) which uses a computer executable code (paragraph 0011) to perform the following steps:
- a. Setting a hierarchical relationship between two or more elements where the first element of a first hierarchical level which is a facility and the second element of a second hierarchical level is a resource located within the facility (See Figures 7, 8 and 15, with corresponding detailed description, and paragraphs 0015, 0078, 0079, 0110 and 0129),
 - b. Receiving an indication of a security risk of one or more of the elements (See Figures 8 and 15, paragraph 0011),
 - c. Receiving selection of a first element and a second element (See Figure 15, Beverina teaches the Risk assessment to Ft. Belvoir, and to a building at Ft. Belvoir, which has a hierarchical relationship); and
 - d. Relating the received indication of a security risk to the first and selected elements (Paragraphs 0078, 0081 and 0117)

- e. Transmitting a description of the security risk as it relates to the element selected and wherein the relationship between the received indication of the security risk and the first selected element is based on hierarchical relationship and indication of security risk (See Figures 15 and 16, paragraphs 0012 and 0081);
 - f. Allowing a user to traverse between the hierarchical elements (Figure 23, discloses user allowing to determine Building Damage, second element, as well as geographic effects, which is considered to be more a facility or first element.)
6. Beverina however, discloses the security risks are situational risks, fails to disclose the information related to the security risk is in real-time and is from a government agency or a news feed. Zimmers discloses the use of a real time weather feed, which the examiner considers to be a type of news feed, that is fed into a system and element information related to the risk are gathered and outputted based on facilities (See abstract, and Figure 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Beverina, to include the informational information/news feed of Zimmers, in order to provide emergency information to persons needing to be notified of such information, and individuals can be notified of emergency that directly threatens or of interest to him or her. (See Zimmers, pages 1 and 2)
7. With respect to the limitation of “wherein the security risk associated with the one or more of the first or second elements is also specifically associated with the corresponding hierarchical level of the one or more of the first or second elements”, Zimmers discloses this information is general information and does not disclose it is specific to the first or second hierarchical level. However, the specific type of information the security risk is associated with

is deemed to be nonfunctional descriptive material and is not functionally involved in the steps recited. The steps of receiving an indication, relating the indication based on the element selected and transmitting the description of the security risk is performed the same regardless of whether the information received is associated with a hierarchical level, due to the fact that the information is related based on the element, not on the hierarchical level. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed.Cir.1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

8. With respect to Claim 2: See Beverina Figure 16 and paragraph 0106.
9. With respect to Claim 4: See Beverina Figures 15, 16, 23 and 24.
10. With respect to Claim 5: the limitation of the security risk comprising misappropriation of information is deemed to be nonfunctional descriptive material and is not functionally involved in the steps recited. The steps of transmitting security risks would be performed the same regardless of what type of threat the security risk is based on. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed.Cir.1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
11. With respect to Claim 8: See Beverina Figures 21 and 40, paragraph 0085.
12. With respect to Claim 9: See Beverina Figures 15 and 19.
13. With respect to Claim 10: See Beverina Paragraph 0198.

Response to Arguments

14. Applicant's arguments filed 10/26/07 have been fully considered but they are not persuasive.

15. With respect to Applicant's argument with the 103 rejection: The applicant is basing their arguments on Beverina not disclosing "setting" a hierarchical relationship between two or more element. As stated previously, the examiner considers Beverina to "set" a relationship, due to the fact that in Beverina, the user defines a building, and then defines a floor within a building. Therefore that is considered to be "setting" a relationship. It is a specific relationship, because it is a floor within a building. A user defines the area, and puts in features, this is an active step of setting. The applicant made a statement that admitted by the Office Action that Beverina does not disclose setting a relationship between two elements or even suggest setting a hierarchical relationship between the two. The meaning of this, was that even though Beverina does not specifically use those terms, does not specifically use the term "setting a relationship" or even "setting a relationship", the step is still being performed. The examiner was talking about the terms not being used, NOT that Beverina does not disclose the step. Beverina actively sets relationships between floors and buildings, therefore the examiner considers Beverina to disclose the claimed invention. Furthermore, Beverina even states the use of child nodes and parent nodes, in paragraph 0129, which the examiner considers to be hierarchical relationship.

16. With respect to Applicant's argument that Beverina and Zimmers does not disclose that the security risk associated with the one or more of the first or second elements is also specifically associated with the corresponding hierarchical level of the one or more first or second elements: As disclosed above, the examiner considers this to be new matter, and the

specification does not provide support for the security risk received from the newsfeed or government agency being specifically associated with the corresponding hierarchical levels. Furthermore, due to the fact that the relating of the received indication of security risk is based on the element and is not based on the hierarchical level, the specific type of information received being related to a level is considered to be non-functionally related to the claims.

17. Therefore arguments are not considered to be persuasive and rejection stands as stated above.

Conclusion

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMISUE A. PLUCINSKI whose telephone number is (571)272-6811. The examiner can normally be reached on M-Th (5:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jp

/Jamisue A. Plucinski/
Primary Examiner
Art Unit 3629